IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 7TH FEBRUARY 2007 / 18TH MAGHA 1928

Bail Appl..No. 538 of 2007()

CRMP.4193/2006 of ADDL.DISTRICT COURT-I,MAVELIKKARA
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PETITIONER/ACCUSED:

HARIKRISHNAN, AGED 24 YEARS,
S/O. KRISHNANKUTTY, KAVILETHU HOUSE,
MUTHUKULAM NORTH, CHOOLATHERUVU P.O.

BY ADV. SRI.C.SUNIL KUMAR

RESPONDENTS: STATE & CMPLAINANT:
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1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
KANAKAKKUNNU POLICE STATION, ALAPPUZHA DISTRICT.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Bail Application No. 538 of 2007

DATED: 7th February, 2007

O R D E R

Petitioner who is the 17th accused in Crime No. 119 of 2006 of Kanakakkunnu Police Station for offences punishable under Sections 143, 147, 148, 149, 506 (2), 427 and 353 read with Sec. 149 I.P.C. and Sec. 3 of the Prevention of Destruction of Public Properties Act, 1984 seeks anticipatory bail.

2. The learned Public Prosecution opposed the application. The case of the prosecution is that on 2-8-2006 the Excise party under the leadership of the de facto complainant seized 125 litres of arrack and 2625 litres of wash from a place called Muthukulam. While so, one Babu was seen running away from there. When the excise party was hastily completing the formalities of search and seizure, the aforementioned Babu and 50 others came there armed with deadly weapons like sword, stick and chopper etc. and attacked the excise party causing damage to the Jeep and also destroyed the entire contraband

liquor. The excise party had to run for their life and they took shelter in a nearby house from where they contacted the Kanakkunnu police. By the time, the police party reached there, the assailants have made good their escape.

3. Anticipatory bail cannot be granted in a case of this nature. There is no reason why the petitioner should not surrender before the investigating officer for interrogation and then have his regular bail application disposed of by the Magistrate concerned. Accordingly, the petitioner shall surrender before the investigating officer on any day between 8-2-2007 and 13-02-2007 for the purpose of custodial interrogation and recovery of incriminating materials, if any. After interrogation, the petitioner shall be produced before the Magistrate having jurisdiction, on the same day. The Magistrate shall consider and dispose of the application , if any, filed by the petitioner for regular bail, preferably on the same day on which it is filed.

With the above observation this application is disposed of.

V.RAMKUMAR, JUDGE.

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